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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 ELLIOT D. GOODIN,

8 Plaintiff,

9 v.

10 DR. GREGORY BAHDER,

11 Defendant.

NO. 2:18-CV-0095-TOR

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

12  
13 BEFORE THE COURT is Plaintiff's failure to file an Amended Complaint  
14 (or voluntarily dismiss this case) within 60-days of this Court's Order dated June 6,  
15 2018. ECF No. 7. The Court has reviewed the record and files herein, and is fully  
16 informed.

17 Plaintiff, a patient at Eastern State Hospital, is proceeding *pro se* and *in*  
18 *forma pauperis*. See ECF No. 7. Plaintiff filed his Complaint on March 21, 2018.  
19 ECF No. 2, 8. On June 6, 2018, the Court screened Plaintiff's Complaint for legal  
20 sufficiency pursuant to 28 U.S.C. § 1915(e). ECF No. 7. Because Plaintiff did not

1 allege sufficient facts to state a claim for relief, this Court dismissed Plaintiff's  
2 Complaint without prejudice and with leave to amend. *Id.* The Court instructed  
3 Plaintiff that he may file an Amended Complaint within sixty (60) days of the date  
4 of the Order or file the attached Motion to Voluntarily Dismiss within sixty (60  
5 days). *Id.* The Court cautioned Plaintiff that if he failed to file within sixty days,  
6 the Court would dismiss the entire case for failure to state a claim under 28 U.S.C.  
7 § 1915(e)(2). *Id.* Plaintiff failed to timely respond in any manner.

8 Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken *in forma*  
9 *pauperis* if the trial court certifies in writing that it is not taken in good faith.” The  
10 good faith standard is an objective one, and good faith is demonstrated when an  
11 individual “seeks appellate review of any issue not frivolous.” *See Coppedge v.*  
12 *United States*, 369 U.S. 438, 445 (1962). For purposes of 28 U.S.C. § 1915, an  
13 appeal is frivolous if it lacks any arguable basis in law or fact. *Neitzke v. Williams*,  
14 490 U.S. 319, 325 (1989).

15 The Court finds that any appeal of this Order would not be taken in good  
16 faith and would lack any arguable basis in law or fact. Accordingly, the Court  
17 hereby revokes Plaintiff's *in forma pauperis* status.

18 **ACCORDINGLY, IT IS HEREBY ORDERED:**


- 19 1. Plaintiff's Complaint is **DISMISSED without prejudice** for failure to  
20 state a claim under 28 U.S.C. § 1915(e)(2)(B).

1           2. Plaintiff's *in forma pauperis* status is **REVOKED**.

2           The District Court Executive is directed to enter this Order, enter judgment  
3 of dismissal without prejudice, forward a copy to Plaintiff, and **CLOSE** the file.

4           **DATED** August 9, 2018.



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8           THOMAS O. RICE  
9           Chief United States District Judge  
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